

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZARNOFF TAYLOR,

Plaintiff,

-against-

D.O.C. COMMISSIONER DORA SCHRIRO,
ET AL.,

Defendants.

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11 Civ. 6892 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the July 24, 2012 Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein (the "Report"). Judge Gorenstein's Report recommends that Defendants' Motion to Dismiss should be GRANTED. (Report at 1, 7.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601,

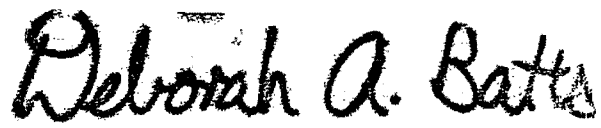
604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections in Judge Gorenstein's Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 7-8), Plaintiff Taylor has filed no objections to the Report. Nor has any other Party filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein, dated July 24, 2012, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Defendants' Motion to Dismiss is hereby GRANTED in its entirety and Plaintiff's Complaint is dismissed, with prejudice.

SO ORDERED.

Dated: New York, New York
August 13, 2012

A handwritten signature in black ink that reads "Deborah A. Batts". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Deborah A. Batts
United States District Judge